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8 IN THE UNITED STATES DISTRICT COURT
9 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10 UNITED STATES OF AMERICA,)	No. CR-08-00541 CW
)	
11 Plaintiff,)	STIPULATION AND [PROPOSED]
)	ORDER CONTINUING STATUS
12 vs.)	HEARING
)	
13 MARSHAWN JEROME HOWARD)	Hearing Date: September 3, 2008
)	Requested Date: October 1, 2008
14 Defendant.)	
15 _____)	

16
17 It is hereby stipulated between the parties that the status hearing date of September 3,
18 2008 should be continued to October 1, 2008 at 2:00 p.m. The parties request this continuance
19 because counsel for Mr. Howard needs time to review the discovery and to meet with Mr.
20 Howard. This is a new case. Mr. Howard was arraigned on August 19, 2008, and counsel
21 received discovery on August 20, 2008.

22 The parties further agree that the ends of justice served by the continuance requested
23 herein outweigh the best interest of the public and the defendant in a speedy trial because the
24 failure to grant the continuance would deny counsel for the defendant the reasonable time
25 necessary for effective preparation, taking into account the exercise of due diligence. The parties
26 therefore agree that time should be excluded between September 3, 2008 until October 1, 2008

1 pursuant to 18 U.S.C. §§ 3161(h)(8)(A) and (B)(iv).

2 August 28, 2008

/s/
ANGELA M. HANSEN
Assistant Federal Public Defender

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5 August 28, 2008

/s/
MARK EICHMAN
Special Assistant United States Attorney

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8 I hereby attest that I have on file all holograph signatures for any signatures indicated by a "conformed" signature (/S/)
within this efiled document.

/S/ ANGELA M. HANSEN

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ORDER

Based on the reasons provided in the stipulation of the parties above, the Court hereby finds that the ends of justice served by the continuance requested herein outweigh the interest of the public and the defendant in a speedy trial because the failure to grant the continuance would deny counsel for the defendant reasonable time necessary for effective preparation, taking into account the exercise of due diligence. The Court makes this finding because counsel was recently appointed to represent Mr. Howard and she needs time to review the discovery and to meet with her client.

Based on these findings, IT IS HEREBY ORDERED THAT the STATUS hearing date of September 3, 2008 is continued to October 1, 2008 at 2:00 p.m. and time is excluded from September 3, 2008 to October 1, 2008 pursuant to 18 U.S.C. §§3161(h)(8)(A) and (B)(iv).

IT IS SO ORDERED.

Date

HON. CLAUDIA WILKEN
United States District Judge